IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 11370 of 2007(C)

PETITIONER:

GOPINATHAN, S/O. KARUPPAN,
PALIPARAMBIL, RESIDING IN HOUSE NO.785,
WARD NO.4, SHANMUGHAPURAM, VADUTHALA DESOM,
CHERANALLOOR VILLAGE, KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

BY ADV. SRI.V.P.REGHURAJ

RESPONDENTS:

1. THE LAND TRIBUNAL (SPECIAL TAHSILDAR LR), ERNAKULAM.
2. THE TAHSILDAR, KANAYANNUR TALUK, ERNAKULAM.
3. THE VILLAGE OFFICER, CHERANALLOOR VILLAGE, CHERANALLOOR, ERNAKULAM.
4. STATE OF KERALA, REP. BY THE SECRETARY TO THE REVENUE DEPARTMENT, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM.

BY G.P. SHRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.7.2007, R.P.NO.601/07, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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R.P.No.601 of 2007

&

W.P.(C).No.11370 of 2007

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Dated this the 13th day of July, 2007

J U D G M E N T

R.P.No.601/2007:

I had passed judgment dated 2.4.2007 in W.P(C). No.11370/2007. In the same, although the petitioner's prayer in the writ petition was to dispose of the application for assignment, I had mentioned the same as application for mutation of properties. In the above circumstances, I am satisfied that the judgment dated 2.4.2007 is liable to be recalled. I do so and pass the following judgment in its place.

W.P(C).No.11370/2007:

The petitioner is stated to be in possession of 3 cents of land in survey No.995/2 of Cheranalloor Village. The said property along the adjoining

property extending to 189.5000 cents in the said survey number was acquired by the Government years back for the purpose of establishment of a colony for landless people. There was a dispute regarding the ownership of this property, which, according to the petitioner, has been finally concluded and Ext.P2(a) purchase certificate has been issued to the petitioner. On the basis of Ext.P2(a) purchase certificate, the petitioner filed application for mutation of the property in his name before the 2nd respondent. When the same was filed, the Tahsildar informed the petitioner that mutation cannot be effected since as per the Revenue Records, property in question is a *puramboke* land. In the above circumstances, by way of abundant caution, the petitioner filed Ext.P4 application for assignment of the land in his favour. The petitioner now seeks a direction to the 2nd respondent to consider and pass orders on Ext.P4.

2. I have heard the learned counsel for the petitioner as also the learned Government Pleader.

3. In the facts and circumstances of the case, there would be a direction to the 2nd respondent to consider and pass appropriate orders on Ext.P4, as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment.

Review petition and writ petition are disposed of as above.

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.